

Second Meeting, July 13, 1999 Crowne Plaza Center City Philadelphia, PA

The second meeting of the Transportation External Coordination Working Group (TEC/WG) DOE Transportation Protocols Topic Group took place on July 13, 1999 at the Crowne Plaza Center City in Philadelphia, PA.

MORNING SESSION

Ms. Williams began the meeting by stating this was the second face-to-face session of the group; several conference calls had also been held since the first meeting in Jacksonville, FL in January 1999. She indicated there were some materials available in addition to the draft protocols that had been promised; one was a comment response document containing written comments received from participants on the different protocols, and the other was a draft schedule for completion of the other protocols. She said the milestones in the schedule were ambitious ones, and may change as circumstances dictate.

Mr. Guidice added the Protocols Writing Group was moving ahead aggressively with development, but there were lots of elements that lengthened the schedule. Development among different DOE programs has been difficult; however, the group will do its best to stick to the schedule.

Ms. Williams then asked if there were specific issues the group wanted to address today. Mr. Niles said he would like to see the order of development for some of the protocols changed. Some of the protocols dealing with accident contingencies, for instance, are more important now because some substantial campaigns are underway. Mr. Kirshenberg stated he would like to see the protocols address how to solve the problem of providing notification of local officials from the state level. Ms. Crosland asked where the schedule provided for discussions regarding specific modes. There being no further specific agenda items, the group adjourned for about an hour to permit participants to review the three draft protocols on prenotification, planning and routing, as well as the other materials.

The group reconvened at approximately 10:15 a.m., and Ms. Williams asked if there were any general comments. Mr. Guidice addressed the subject of the order of protocols development; he said the order was developed based on input received from the stakeholders on what was most important, and also on the grouping of protocol topics based on similarity or relatedness of issues. The group also tried to tackle some of the less complicated issues first to get them out of the way, and the Senior Executive Transportation Forum (SETF) seemed to approve of the approach. Mr. English added that other groups within DOE were contributing to the development of some specific protocols; he indicated Carol Hanlon's office within DOE, NN-60, had emergency management operational responsibilities and was developing parts of related protocols.

Mr. Wentz suggested the Writing Group try to move up the production of the transportation planning protocol, as well as that for emergency planning. Mr. Niles added the TEC/WG Communications Topic Group could easily help with development of the public information protocol. Mr. Paull noted while developing some protocols before others made sense because issues may need to be resolved, DOE should also plan to revisit all the protocols when they are completed with an eye toward making sure changes and updates are reflected accurately and the statements made therein are consistent.

Mr. Crose stated pre-shipment information provided to the public was a very important issue, and pointed out the recent problems with the Fernald shipments could have been mitigated with a defined advance notification process in place. Mr. Kirshenberg added that a more holistic view of the shipping picture—with campaigns in the context of other transportation that is occurring—would help the public see better how these shipments fit into the overall framework. Discussion of state-local notification procedures—during emergencies as well as routine transportation—should be addressed in these protocols, he said. Ms. Williams replied the emergency notification protocol would address that aspect of notification. Mr. Crose briefly outlined how Indiana addresses the issue. Mr. Niles added good state-local relations in Oregon as well as Indiana are important, but not every state approaches the issue the same way. He questioned how the issue could be addressed in the protocols in a consistent way. Mr. Thrower added the issue paper on advance notification had recently been completed and said he would forward a copy to the topic group participants.

Ms. Williams then asked the group to focus on comments specific to the draft protocols. She stated there was not a lot of new information contained within the prenotification draft; it is primarily a statement of what is happening now with regard to prenotification. She made one

specific point that at present, there is no prenotification for shipments of low-level waste, and DOE is not now planning to implement any. Mr. Crose responded his group has advocated application of the protocols to all DOE shipments, including low-level waste; with the understanding, however, that there are special security needs for classified shipments. When asked what kind of notification he would like to have, Mr. Crose responded he would like to see prenotification at the start of shipping campaigns, regardless of material or timing of shipments. Mr. Alcock added that under the planning protocol, people would be notified in advance of major campaigns; perhaps a schedule estimate could also be supplied to address this need. Mr. Wells added his states view the tritium shipments as an important campaign and want notification in advance of them. Mr. Niles added that certain materials like the tritium assemblies could have political ramifications based on their intended use. Ms. Crosland asked a clarifying question: do states want advance notification specifically for the first shipment in a campaign? Mr. Ross replied what his states would like to see is a schedule placed on the Internet and updated as changes occur. This process would address a lot of the needs states have right now. There may be problems with deciding what to do about "oddball" shipments, he said, but the important thing is to get a process in place now and work from there.

Mr. Crose agreed such information needed to be up as soon as possible, and suggested DOE should be aware any placarded shipment could become an issue since the placards are what the public will see and react to. Ms. Threatt responded it would be very difficult for DOE to decide what notification is needed, because states and others have very different concepts of what they want. This group, she said, really needs to help DOE come up with a workable definition of what constitutes a shipping campaign and go from there. Mr. Alcock added that DOE and the SETF was working on what general information needed to be posted on the Web; more specific needs could be addressed as they arise, he said. One thing that would help this effort, he added, would be to have more guidance from the participants on when and what kinds of special, "oddball" shipments would be important to them.

Mr. Niles stated some shipments that should always have prenotification issues associated with them include radioactive liquids and shipments with more than one placards (where one is a radioactive placard). There was general agreement among the participants this was needed. He added there needed to be clarification in the protocol about when and under what authority shippers within DOE must report their plans. Ms. Sattler stated a listing of appropriate points-of-contact for information should accompany the prenotifications. Mr. Niles asked if this protocol would apply to the shipments of Navy spent fuel; Mr. Naples responded that information currently provided by the Naval Nuclear Propulsion Program for classified Naval spent fuel shipments meets the intent of the advance planning information protocol.

Mr. Wentz said that, at a minimum, the information provided in advance should be in an annual forecast format, updated quarterly to reflect schedule changes. Mention should be made in the notification about why the transport is necessary; i.e., the need to fulfill the underlying program mission. References to the relevant EISs should also be made, if applicable. Ms. Threatt added that Internet links to the relevant references should suffice. Mr. Wentz also said the 7-day advance notification window for certain categories contemplated in the protocol should be considered the minimum, and DOE should provide such information earlier if possible.

Mr. Kirshenbergh introduced a new subject by asking who decides whether and when certain DOE shipments are subject to NRC regulation or not, and asked if DOE's General Counsel had issued any guidance on the subject, as it seemed unclear.

The group adjourned for lunch and reconvened at 1:00 p.m.

AFTERNOON SESSION

When the group reassembled, Ms. Williams reiterated this was the group responsible for primary input into the protocols development process, and added it was the members' responsibility to take these materials to their organizations to gain input. She agreed to disseminate electronic versions of the drafts to the topic group participants for this purpose, and then suggested the group examine the draft routing protocol next. She added there were "blanks" in the protocol identified by the words "TBD;" she hoped for particular comment on what those sections should look like. Much discussion on those sections, particularly the one dealing with low-level waste, had been held within DOE, she said. Mr. Guidice added that the LLW section was covering ground which had not been addressed before, and said six separate field offices had been working on this issue. Mr. English said the Writing Group's discussion had featured positions along a spectrum—one end being the carrier simply selects the route, and the other being to establish DOE-approved routes. Many within the Department feel simple regulatory compliance is all that is required, but there is a recognition DOE has a significant role as broker and as a middleman between the carrier and the stakeholders. Ms. Williams agreed, and added that the protocol also assumes the mode of transport has already been decided.

Ms. Threatt asked why barge routing was not included in the draft. Mr. Guidice replied that the group focused on rail and highway transport because those had the highest priority in terms of numbers of shipments. Also there is no real issue associated with barge routing, since waterways are limited.

Mr. Ross stated that states' issues with regard to routing need to be clearly recognized. Safety, resource allocation and timing are all important considerations. Safety considerations ought to recognize the concept of routes being more acceptable or less acceptable depending on different factors, he said.

Ms. Threatt asked whether DOE would need to write requirements into its contracts to ensure compliance with whatever routing protocol guidance it developed. Ms. Grassmeier responded that much transport is accomplished using bills of lading, and do not involve contracts. Mr. Ross added this is an extremely important issue for the carriers, and the states recognize they need to be at the table.

Discussion ensued about DOE's role as a shipper and as a federal agency, and its responsibilities in the area of routing. Mr. Crose stated if the role of the Department is unclear, perhaps some regulatory clarification would be the best way to proceed. Mr. English replied that such Congressional action might be considered an option, but suggested working the issue appropriately through the planning process between the DOE as the shipper(or its contractors), the carriers, and the stakeholders would be more expedient.

With regard to the language in the protocol about designated routes, Ms. Sattler said the protocol should state who takes the decision—who selects the routes. Mr. Niles added the protocol language should include all high-level materials and not just waste. Mr. Ross suggested that with regard to TRU waste, the protocol should state the process first looked at HRCQ routing and was then modified as needed. One participant noted that the language pertained only to shipments on their way to WIPP, and asked why all TRU shipments among sites were not included. Ms. Williams responded this question went to some larger management issues about which decisions remain to be taken, but said the comment would be noted.

Another participant asked why the LLW portion was blank. Ms. Williams responded there had been much discussion about this category, perhaps more than any other, and the group had identified six potential options for addressing the issue, ranging from the status quo to routing using HRCQ routes. Decisions have not been taken at this point, she said, and she asked for input on this specific commodity. Mr. Crose stated large campaigns of LLW were more important to stakeholders than small ones, and said those shipments should have comparatively more input from external parties. Ms. Threatt added the group really needed to take a closer look at this issue before asking DOE to abide by requirements other shippers may not have.

Mr. Niles indicated the routing paper developed by the TEC/WG Routing Topic Group should be more specifically referenced in the protocol to indicate the Writing Group is using the knowledge gained in that dialogue.

Ms. Turner added some clarification regarding the issue of applying HRCQ-like criteria to LLW shipments. She stated one argument in favor of doing so had been that those routes were more likely to have personnel along them trained than otherwise equally acceptable routes. The problems that arise tend to be associated with the transport from and to sites to those routes, she said. Mr. Ross stated one idea might be to have the receiving DOE site be the one designating routes to be chosen, as shipments would be "funneled" into that site along a number of different routes. Considerable discussion ensued about this suggestion and its potential ramifications. Mr. Paull noted the northeastern states would probably oppose doing so. Mr. Vanags added that DOE could be posing a dilemma; one could argue if DOE LLW is routed differently from that belonging to private industry, then either DOE is engaging in overkill or commercial shipments are unsafe.

With regard to rail routing, Mr. English reiterated the shipper selects the carrier, which can influence routes, but operationally the decisions still belong to the carrier.

Ms. Williams asked if there were any specific comments on the rail routing, especially for LLW. Mr. Ross responded that while it is gratifying to see DOE is considering routing guidance for LLW, his states were reserving comment on all the LLW routing protocols until DOE promulgated specific language on which to comment. Additionally, he stated the discussion about isotopes should be changed to show that isotopes are not currently being shipped by rail to be consistent with the rest of the text. He indicated WIEB's paper on rail routing was available and should be distributed to the participants.

Ms. Williams asked the participants to review the drafts they had been given and to get comments in by September 1, 1999. These comments will be forwarded to the Writing Group and addressed in future revisions. She added that a follow-up conference call would be held when the Writing Group released new material.

The group adjourned at approximately 3:30 p.m.

Action Items:

1. Alex Thrower will forward a copy of the notification paper to all participants.
2. Electronic versions of the three drafts will be sent out with the final minutes.
3. Dale DeCesare will forward the WIEB rail routing paper to Alex Thrower, who will distribute it to the group.
4. The next conference call will be scheduled when the Writing Group releases the next series of drafts for review and comment.

Participants included:

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Martha DOE-Environmental Management (EM)	To DOE-EM	Carol HanlonDOE-NN	Indiana Emergency Management Agency	Alton HarrisDOE-EM	Patricia ArmijoDOE-NTP
Ray English DOE-Naval Reactors	Mike CarterEnvironmental Protection Agency	Jim JohnstonNorthern New Mexico Citizens' Advisory Board	Chad Utah Department of Transportation (DOT)	Rick GardnerUtah DOT	Christopher WellsSouthern States Energy Board
Phillip Paul Council of State Governments-Northeastern Conference	Seth KirshenbergEnergy Communities Alliance	Chris WentzNew Mexico Radioactive Waste Task Force/WGA	Michael Lockheed-Martin Idaho	Kathleen GrassmeierDOE-NV	Lisa SattlerMidwestern Office-Council of State Governments
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